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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 WAYMO LLC,) Case No.: 3:17-cv-00939 WHA
13 Plaintiff,)
14 v.) **DECLARATION OF MILES EHRLICH**
15 UBER TECHNOLOGIES, INC., *et al.*,) **IN SUPPORT OF DEFENDANTS'**
16 Defendants.) **ADMINISTRATIVE MOTION TO FILE**
17) **UNDER SEAL THEIR OPPOSITION**
18) **TO WAYMO'S MOTION FOR**
19) **CONTINUANCE OF TRIAL DATE**

20 I, Miles Ehrlich, declare as follows:

21 1. I am an attorney licensed to practice in the State of California and am admitted to
22 practice before this Court. I am a partner at the law firm Ramsey & Ehrlich LLP, counsel for
23 Non-Party Anthony Levandowski. I have personal knowledge of the matters set forth in this
24 Declaration, and if called as a witness I would testify competently to those matters.

25 2. I make this declaration in support of Defendants' Administrative Motion to File
26 Under Seal Their Opposition to Waymo's Motion For Continuance Of Trial, filed on September
27 19, 2017, Docket No. 1623 (the "Administrative Motion"). The Administrative Motion seeks an
28 order sealing the following documents based on Mr. Levandowski's designation of

1 confidentiality, filed concurrently with the Administrative Motion:

Document	Portion to Be Filed Under Seal	Designating Party
Opposition to Waymo's Motion for Continuance of Trial Date ("Opposition")	Highlighted Portions	Anthony Levandowski (Yellow)
Declaration of Arturo J. Gonzalez ISO Defs. Opposition to Waymo's Motion for Continuance of Trial Date ("Gonzalez Declaration")	Highlighted Portions	Anthony Levandowski (Yellow)
Exhibits 2-7	Entireties	Anthony Levandowski

3. The yellow highlighted portions of the Opposition primarily contain references to the contents of the Stroz report, which Mr. Levandowski has asserted and continues to assert is protected from disclosure under his Fifth Amendment privilege against self-incrimination under *Fisher v. United States*, 425 U.S. 391 (1975), and *United States v. Sideman & Bancroft, LLP*, 704 F.3d 1197 (9th Cir. 2013), as well as by the common interest/joint defense, attorney-client and attorney work product privileges. *See, e.g.*, Non-Party Anthony Levandowski's Motion for Protective Order, filed on October 19, 2017, Dkt. No. 1682. Mr. Levandowski does not assert that the yellow highlighted portion of the Opposition at 6:27 is protected from disclosure. Aside from the highlighted portion at 6:27, we ask that the confidentiality of the remaining highlighted portions of the Opposition be maintained until Mr. Levandowski's Motion for Protective Order is resolved.

4. Mr. Levandowski does not assert that the yellow highlighted portions of the Gonzalez Declaration merit sealing.

5. In addition, Mr. Levandowski does not assert that Exhibits 2-7 to the Gonzalez Declaration merit sealing.

I declare under penalty of perjury under the laws of the State of California and the United

1 States of America that the foregoing is true and correct, and that this declaration was executed in
2 Berkeley, California, on September 22, 2017.

3
4 Date: September 22, 2017

Respectfully submitted,

5
6 /s/ Miles Ehrlich
7 Miles Ehrlich
Ramsey & Ehrlich LLP

8 *Counsel for Non-Party Anthony*
9 *Levandowski*